

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JERRY FERGUSON,)	
)	
Petitioner,)	
)	Civil Action No. 09-213 Erie
v.)	
)	
FRANCISCO QUINTANA, et. al.,)	
)	
Respondents.)	

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on August 19, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 14], filed on July 7, 2011, recommended that the Petition be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27th day of July, 2011;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 14] of Magistrate Judge Baxter, filed on July 7, 2011, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge